

*U.S. Patent Application Serial No. 09/980,329*  
*Applicant: Talish, et al.*  
*Amendment and Response*  
*Page 8 of 11*

### **REMARKS**

This is a full and timely response to the final Office Action mailed February 14, 2005. The Office Action rejected claims 1-9, and 11-24. By the present amendment and response, independent claims 1, 11, and 20, and dependent claims 8, 13, and 14 have been amended. After entry of the present amendment and remarks, claims 1-9 and 11-24 remain pending in the application. A Request for Continued Examination (RCE) and fee have been concurrently filed with the present amendment and response. Consideration of the enclosed amendments and remarks is requested.

#### **I. OBJECTIONS TO CLAIMS 1, 8, 11, 13, 14, and 20**

The Office Action objected to claims 1, 8, 11, 13, 14, and 20. Claims 1, 8, 11, 13, 14, and 20 have been amended to clarify the scope of the claimed invention. The above amendments to claims 1, 8, 11, 13, 14, and 20 are believed to traverse the present objections.

#### **II. THE OBVIOUSNESS REJECTIONS UNDER 35 U.S.C. 103**

Claims 1-9, 11, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over various combinations of Unger, Unger et al., Talish, Ishikawa, Duarte, Vago, and Lang. Independent claims 1, 11, and 20 have been amended by the present response.

In particular, claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over Duarte in view of Vago, Unger, Ishikawa, and Lang. Claim 1 has been amended to include the element, "wherein the release of the ultrasound contrast agent is specifically targeted to the proximity of the injury." None of the cited references, alone or in combination with each other, disclose or suggest all of the elements of claim 1. In particular, Duarte, Vago, Unger,

*U.S. Patent Application Serial No. 09/980,329*  
*Applicant: Talish, et al.*  
*Amendment and Response*  
*Page 9 of 11*

Ishikawa or Lang, alone or in combination with each other, do not disclose or suggest the element, "wherein the release of the ultrasound contrast agent is specifically targeted to the proximity of the injury." None of the cited references relate to the use of ultrasound in combination with the introduction via a syringe of a capsule with an ultrasound contrast agent that can be specifically targeted to the proximity of an injury.

The prior Office Action stated that it would have been obvious to one skilled in the art to modify Unger such that the means for delivering a contrast agent into a patient could be taught by Ishikzwa, and that such a modification merely involves the substitution of one type of delivery system for another. See Page 5, Office Action mailed February 14, 2006. However, neither Unger or Ishikawa, alone or in combination with any of the cited references, provides any teaching or suggestion of releasing an ultrasound contrast agent from a capsule to specifically target a particular area of the body, such as the proximity of an injury. In contrast, Ishikawa relates to time release of a drug in order to moderate drug delivery according to a patient's particular need or prescribed drug dose. Ishikawa states that, "This system is designed for maintaining therapeutic levels of drugs." Col. 5, lines 38-39. Ishikzwa does not relate to an ultrasound contrast agent released or introduced to target a specific portion of the body, such as the proximity of an injury. Therefore, since none of cited references, alone or in combination with each other, disclose or suggest releasing or introducing an ultrasound contrast agent from a capsule to specifically target a particular area of the body, such as the proximity of an injury, then independent claim 1 should be allowable over the cited references.

*U.S. Patent Application Serial No. 09/980,329*  
*Applicant: Tolish, et al.*  
*Amendment and Response*  
*Page 10 of 11*

Furthermore, independent claims 11 and 20 include similar amendments and elements as claim 1, and rely on similar arguments of patentability as provided above for claim 1. Assignee believes the above amendments traverse the rejections of the Office Action, and therefore, independent claims 1, 11, and 20 should be in condition for allowance.

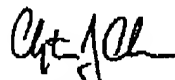
Dependent claims 2-9, 12-19, and 21-24 are ultimately dependent from at least one of the independent claims for which arguments for patentability have been provided above. For at least these reasons, the dependent claims should also be in condition for allowance.

*U.S. Patent Application Serial No. 09/980,329*  
*Applicant: Talish, et al.*  
*Amendment and Response*  
*Page 11 of 11*

**CONCLUSION**

Claims 1-9, and 11-24 remain pending. Independent claims 1, 11, and 20 are amended by the present response. Claims 1-9, and 11-24 are now in condition for allowance. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 815-6048 if such contact will facilitate a Notice of Allowance. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



Christopher J. Chan  
Reg. No. 44,070  
Attorney for Assignee

DATED: 15 MAY 2006

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309-4530  
(404) 815-6500  
(404) 815-6555 (fax)